

59639-83

4/26/2012

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OFFICE OF CHEMICAL SAFETY
AND POLLUTION PREVENTION

Sally S. Christopher
Valent U.S.A. Corporation
1600 Riviera Avenue
Suite 200
Walnut Creek, CA 94596-8025

APR 26 2012

Subject: Select 37% M.U.P.
EPA Reg. No. 59639-83
Label Notification per PRN 2007-4
Application Dated: February 1, 2012

Dear Mr. Kellogg,

The Agency is in receipt of your Application for Pesticide Notification under Pesticide Registration Notice (PRN) 2007-4 for Select 37% M.U.P. (EPA Reg. No. 59630-83) dated February 1, 2012. The Registration Division (RD) has conducted a review of this request for its applicability under PRN 2007-4 and finds that the action requested falls within the scope of PRN 2007-4. The label submitted with the application has been stamped "Notification" and will be placed in our records.

If you have any questions, please contact Emily Hartman via email at hartman.emily@epa.gov or by phone at (703) 347-0189.

Sincerely,

A handwritten signature in black ink that reads "Kathryn V. Montague". The signature is written in a cursive style and is positioned above the printed name and title.

Kathryn V. Montague, Project Manager 23
Herbicide Division
Registration Division
Office of Pesticide Programs

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Please read instructions on reverse before completing form.

Form Approved MB No. 2070-0060, Approval expires 2-28-95



United States
Environmental Protection Agency
Washington, DC 20460

Registration
 Amendment
 Other

OPP Identifier Number

Application for Pesticide - Section I

1. Company/Product Number 59639-83	2. EPA Product Manager Kathryn Montague	3. Proposed Classification <input type="checkbox"/> None <input type="checkbox"/> Restricted
4. Company/Product (Name) SELECT 37% M.U.P.	PM# 23	
5. Name and Address of Applicant (Include ZIP Code) Valent U.S.A. Corporation 1600 Riviera Ave., Suite 200 Walnut Creek, CA 94596-8025 <input type="checkbox"/> Check if this is a new address	6. Expedited Review. In accordance with FIFRA Section 3(c)(3) (b)(i), my product is similar or identical in composition and labeling to: EPA Reg. No. _____ NOTIFICATION Product Name _____ APR 26 2012	

Section - II

<input type="checkbox"/> Amendment - Explain below.	<input type="checkbox"/> Final printed labels in response to Agency letter dated _____
<input type="checkbox"/> Resubmission in response to Agency letter dated _____	<input type="checkbox"/> "Me Too" Application.
<input checked="" type="checkbox"/> Notification - Explain below.	<input type="checkbox"/> Other - Explain below.

Explanation: Use additional page(s) if necessary. (For section I and Section II.)

NOTIFICATION: Add non-refillable container text to the Storage and Disposal statement.

Section - III

1. Material This Product Will Be Packaged In:				2. Type of Container	
Child-Resistant Packaging <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Unit Packaging <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Water Soluble Packaging <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		<input checked="" type="checkbox"/> Metal	
				<input type="checkbox"/> Plastic	
				<input type="checkbox"/> Glass	
				<input type="checkbox"/> Paper	
				<input type="checkbox"/> Other (Specify) _____	
* Certification must be submitted		If "Yes" Unit Packaging wgt.	No. per container	If "Yes" Package wgt	No. per container
3. Location of Net Contents Information <input checked="" type="checkbox"/> Label <input type="checkbox"/> Container		4. Size(s) Retail Container		5. Location of Label Directions <input checked="" type="checkbox"/> On Labeling	
6. Manner in Which Label is Affixed to Product		<input checked="" type="checkbox"/> Lithograph Paper glued Stenciled		<input type="checkbox"/> Other _____	

Section - IV

1. Contact Point (Complete items directly below for identification of individual to be contacted, if necessary, to process this application.)

Name Sally S. Christopher	Title Regulatory Analyst	Telephone No. (Include Area Code) 925-256-2710
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Certification

I certify that the statements I have made on this form and all attachments thereto are true, accurate and complete. I acknowledge that any knowingly false or misleading statement may be punishable by fine or imprisonment or both under applicable law.

6. Date Application Received
(Stamped)

2. Signature Sally S. Christopher	3. Title Regulatory Analyst	6. Date Application Received (Stamped)
4. Typed Name Sally S. Christopher	5. Date February 1, 2012	

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February 1, 2012

Select 37% MUP, EPA Reg. No. 59639-83
Changes in Packaging and Related Labeling Statement
Notification Request

Ms. Kathryn V. Montague
Product Manager 23
Herbicide Branch
Registration Division (7505P)
Office of Pesticide Programs
U.S. Environmental Protection Agency
Room S-4900
One Potomac Yard
2777 S. Crystal Drive
Arlington, Virginia 22202

Dear Ms. Montague:

Valent USA Corporation (Valent) is submitting a notification to the Agency for the purpose of informing the Agency of Valent's intent to add additional EPA Container Handling label language to our Select 37% MUP labeling due to the fact this product will now be packaged in non-refillable container as well as in their original refillable containers. As is permitted in PR-Notice 98-10 guidelines, Section II (Labeling Notifications), item E (Changes in Packaging and Related Labeling Statements), Valent is submitting our revised product labeling via notification.

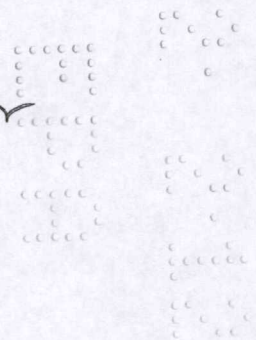
The following documents are being sent to the Agency in support of Valent's notification request:

1. An Application for Pesticide Notification
2. Certification Statements consistent with PR-Notice 98-10 and PR-Notice 2007-4
3. ~~Five~~ (1) clean copies of the proposed label
4. One (1) redline/strikeout copy the proposed label
5. A CD with the proposed label in pdf format
6. A Certification with Respect to Label Integrity.

Valent wishes to thank the Agency in advance for their consideration and attention to Valent's notification action.

Sincerely,

Sally S. Christopher
Regulatory Analyst
Registration & Regulatory Affairs



enclosures

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NOTIFICATION
APR 26 2012

REDLINE COPY - NOTIFICATION
SELECT® 37% M.U.P.

Active Ingredient	By Wt.
*Clethodim	37%
Other Ingredients	63%
Total.....	100%

*(E)-2-[1-[[[3-chloro-2-propenyl)oxy]imino]propyl]-5-[2-(ethylthio)propyl]-3-hydroxy-2-cyclohexen-1-one

Contains petroleum distillates.

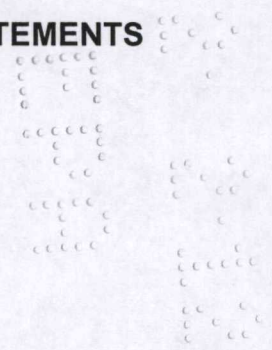
KEEP OUT OF REACH OF CHILDREN

WARNING

SEE OTHER PANEL FOR ADDITIONAL PRECAUTIONARY STATEMENTS

TRANSPORTED IN BULK

NET CONTENTS _____



**PRECAUTIONARY STATEMENTS
HAZARDS TO HUMANS & DOMESTIC ANIMALS
WARNING**

Causes skin irritation and moderate eye irritation. Harmful if swallowed or absorbed through skin. May cause allergic skin reaction. Do not get on skin or clothing Avoid contact with eyes. Wash thoroughly with soap and water after handling. Remove contaminated clothing and wash before reuse.

FIRST AID	
If on skin or clothing:	<ul style="list-style-type: none"> • • Take off contaminated clothing. • • Rinse skin immediately with plenty of water for 15-20 minutes. • • Call a poison control center or doctor for treatment advice.
If in eyes:	<ul style="list-style-type: none"> • Hold eye open and rinse slowly and gently with water for 15-20 minutes. • Remove contact lenses, if present, after the first 5 minutes, then continue rinsing eye. • Call a poison control center or doctor for treatment advice.
If swallowed:	<ul style="list-style-type: none"> • Immediately call a poison control center or doctor. • • Do not induce vomiting unless told to by a poison control center or doctor. • • Do not give any liquid to the person. • • Do not give anything by mouth to an unconscious person.
If inhaled:	<ul style="list-style-type: none"> • • Move person to fresh air. • • If person is not breathing, call 911 or an ambulance, then give artificial respiration, preferably by mouth-to-mouth, if possible. • Call a poison control center or doctor for further treatment advice.
HOT LINE NUMBER	
Have the product container or label with you when calling a poison control center or doctor or going for treatment. You may also contact 1-800-892-0099 for emergency medical treatment information.	
NOTE TO PHYSICIAN	
This product contains a light petroleum hydrocarbon solvent, and an aspiration hazard may exist. Probable mucosal damage may contraindicate the use of gastric lavage.	

ENVIRONMENTAL HAZARDS

Do not discharge effluent containing this product into lakes, streams, ponds, estuaries, oceans and other waters unless in accordance with the requirements of a National Pollutant Discharge Elimination System (NPDES) permit and the permitting authority has been notified in writing prior to discharge. Do not discharge effluent containing this product to sewer system without previously notifying the local sewage treatment plant authority. For guidance contact your State Water Board or Regional Office of the EPA.

PHYSICAL OR CHEMICAL HAZARDS

Do not use or store near heat or open flame.

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**DISCLAIMER, RISKS OF USING THIS PRODUCT,
LIMITED WARRANTY
AND LIMITATION OF LIABILITY**

IMPORTANT: Read the entire Label including this Disclaimer, Risks of Using this Product, Limited Warranty, and Limitation of Liability before using this product. If the terms are not acceptable THEN DO NOT USE THE PRODUCT; rather, return the unopened product within 15 days of purchase for a refund of the purchase price.

RISKS OF USING THIS PRODUCT

The Buyer and User (referred to collectively herein as "Buyer") of this product should be aware that there are inherent unintended risks associated with the use of this product which are impossible to eliminate. These risks include, but are not limited to, injury to plants and crops to which this product is applied, lack of control of the target pests or weeds, resistance of the target pest or weeds to this product, injury caused by drift, and injury to rotational crops caused by carryover in the soil. Such risks of crop injury, non-performance, resistance or other unintended consequences are unavoidable and may result because of such factors as weather, soil conditions, disease, moisture conditions, irrigation practices, condition of the crop at the time of application, presence of other materials either applied in the tank mix with this product or prior to application of this product, cultural practices or the manner of use or application, (or a combination of such factors) all of which are factors beyond the control of Valent. The Buyer should be aware that these inherent unintended risks may reduce the harvested yield of the crop in all or a portion of the treated acreage, or otherwise affect the crop such that additional care, treatment and expense are required to take the crop to harvest. If the Buyer chooses not to accept these risks, THEN THIS PRODUCT SHOULD NOT BE APPLIED. By applying this product Buyer acknowledges and accepts these inherent unintended risks AND TO THE FULLEST EXTENT ALLOWED BY LAW, AGREES THAT ALL SUCH RISKS ASSOCIATED WITH THE APPLICATION AND USE ARE ASSUMED BY THE BUYER.

Valent shall not be responsible for losses or damages (including, but not limited to, loss of yield, increased expenses of farming the crop or such incidental, consequential or special damages that may be claimed) resulting from use of this product in any manner not set forth on the label. Buyer assumes all risks associated with the use of this product in any manner or under conditions not specifically directed or approved on the label.

LIMITED WARRANTY

Valent warrants only that this product conforms to the chemical description on the label and is reasonably fit for the purposes stated in the label, under average use conditions, when used strictly in accordance with the label and subject to the Risks of Using This Product as described above. EXCEPT AS SET FORTH ABOVE, VALENT MAKES NO OTHER WARRANTIES, EITHER EXPRESSED OR IMPLIED. No agent or representative of Valent or Seller is authorized to make or create any other express or implied warranty.

LIMITATION OF LIABILITY

To the fullest extent allowed by law, Valent or Seller is not liable for any incidental, consequential, indirect or special damages resulting from the use or handling of this product. The limitation includes, but is not limited to, loss of yield on all or any portion of the treated acreage, increased care, treatment or other expenses required to take the crop to harvest, increased finance charges or altered finance ratings, emotional or mental distress and/or exemplary damages. TO THE FULLEST EXTENT ALLOWED BY LAW, THE EXCLUSIVE REMEDY OF THE BUYER, AND THE EXCLUSIVE MAXIMUM LIABILITY OF VALENT OR SELLER FOR ANY AND ALL CLAIMS, LOSSES, INJURIES OR DAMAGES (INCLUDING CLAIMS BASED ON BREACH OF WARRANTY, CONTRACT, NEGLIGENCE, TORT, STRICT LIABILITY OR OTHERWISE) RESULTING FROM THE USE OR HANDLING OF THIS PRODUCT SHALL BE THE RETURN OF THE PURCHASE PRICE OF THIS PRODUCT OR, AT THE ELECTION OF VALENT OR SELLER, THE REPLACEMENT OF THE PRODUCT.

PROMPT NOTICE OF CLAIM

Valent must be provided notice as soon as Buyer has reason to believe it may have a claim, but in no event later than twenty-one days from date of planting, or twenty-one days from the date of application, whichever is latter, so that an immediate inspection of the affected property and growing crops can be made.

If Buyer does not notify Valent of any claims, in such period, it shall be barred from obtaining any remedy.

NO AMENDMENTS

Valent and Seller offer this product, and Buyer accepts it, subject to the foregoing Disclaimer, Risks of Using This Product, Limited Warranty and Limitation of Liability, which may not be modified by any oral or written agreement.

DIRECTIONS FOR USE

It is a violation of Federal Law to use this product in a manner inconsistent with its labeling.

READ ENTIRE LABEL. USE STRICTLY IN ACCORDANCE WITH PRECAUTIONARY STATEMENTS AND DIRECTIONS AND WITH APPLICABLE STATE AND FEDERAL REGULATIONS.

This product may be used to formulate products for specific use(s) not listed on the Select 37% M.U.P. label if the formulator, user group or grower has complied with the U.S. EPA data submission requirements regarding the support of such use(s).

Only for Formulation into Herbicide Products Intended for the Following Use(s):

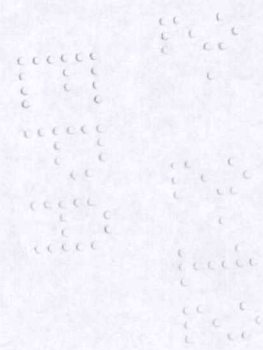
Terrestrial, Food Uses On:

- Crop Group Subgroup 1B Root Vegetables (except Sugar Beet)
- Crop Group Subgroup 1C Tuberos and Corm Vegetables
- Crop Group 2 Leaves of Root and Tuber Vegetables
- Crop Group 3 Bulb Vegetables
- Crop Subgroup 4A Leafy Greens
- Crop Subgroup 4B Leaf Petioles
- Crop Subgroup 5A Head and Stem Brassica
- Crop Subgroup 5B Leafy Brassica Greens
- Crop Group 6 Legume Vegetables (Dried and Succulent), except Soybean
- Crop Group 8 Fruiting Vegetables (except cucurbits)
- Crop Subgroup 9A Melon
- Crop Subgroup 9B Squash/Cucumber
- Crop Subgroup 13-07A Caneberry
- Crop Subgroup 13-07B Bushberry
- Crop Subgroup 19A Herbs

Terrestrial, Individual Food Uses On:

Alfalfa; Artichoke (Globe); Asparagus; Canola; Clover; Cotton; Cranberry; Dry Beans, Flax; Field Corn; Garlic; Hops; Leaf Lettuce; Mint; Mustard Seed; Onion, Dry Bulb; Onion, Green; Peach; Peanut (including perennial); Safflower; Sesame; Soybean; Strawberry; Sugar Beet; Sunflower and Turnip

Terrestrial, Non-Food Uses On: Conifer Trees, Christmas Trees, Fallow Land (and other non-producing agricultural areas), Ornamentals, Non-Bearing Food Crops and Non-Crop or Non-Planted areas.



STORAGE AND DISPOSAL

Do not contaminate water, food or feed by storage, disposal or cleaning of equipment. Open dumping is prohibited.

PESTICIDE STORAGE

Keep pesticide in original container.

Do not put concentrate or dilute into food or drink containers.

Store in a cool, dry place.

Emergency Response: For help with any spill, leak or fire involving this material, call day or night **800-892-0099**.

PESTICIDE DISPOSAL

Wastes resulting from the use of this product may be disposed of on site or at an approved waste disposal facility.

CONTAINER HANDLING

Refillable container. Refill this container with pesticide only. Do not reuse this container for any other purpose. Cleaning the container before final disposal is the responsibility of the person disposing of the container. Cleaning before refilling is the responsibility of the refiller. To clean the container before final disposal, empty the remaining contents from this container into application equipment or mix tank. Fill the container about 10 percent full with water. Agitate vigorously or recirculate water with the pump for 2 minutes. Pour or pump rinsate into application equipment or rinsate collection system. Repeat this rinsing procedure two more times.

Nonrefillable container. Do not reuse or refill this container. Triple rinse container (or equivalent) promptly after emptying. Triple rinse as follows: Empty the remaining contents into application equipment or a mix tank. Fill the container $\frac{1}{4}$ full with water. Replace and tighten closures. Tip container on its side and roll it back and forth, ensuring at least one complete revolution, for 60 seconds. Stand the container on its end and tip it back and forth several times. Turn the container over onto its other end and tip it back and forth several times. Empty the rinsate into application equipment or a mix tank or store rinsate for later use or disposal. Repeat this procedure two more times. Offer for recycling, if available; otherwise dispose of in a sanitary landfill or incineration.

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Valent U.S.A. Corporation

P.O. Box 8025

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www.valent.com

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EPA Reg. No. 59639-83

EPA Est.

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